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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
ANNEMARIE PURPURA,

Plaintiff,

-against-

JOSEPH PIZZURRO,

Defendant.
-----x

MEMORANDUM AND ORDER

Case No. 10-CV-1146 (FB) (RLM)

Appearances:

For the Plaintiff:

THOMAS M. SMITH
Eckert Seamans Cherin & Mellott, LLC
10 Bank Street, Suite 1061
White Plains, NY 10606

For the Defendants:

MARC J. IALENTI
Ialenti & Macari, LLP
170 Old Country Road, Suite 310
Mineola, NY 11501

BLOCK, Senior District Judge:

After plaintiff moved for a default judgment on July 16, 2010, the Court referred plaintiff's motion to Magistrate Judge Roanne L. Mann "to hold an inquest for hearing to determine both liability and damages and then issue a report and recommendation." Electronic Order Referring, Aug. 18, 2010. The next day, Magistrate Judge Mann issued an order giving defendant a final chance to cure his default – on pain of sanctions – before determining the merits of plaintiff's motion. On August 27, 2010, defendant filed an answer. Plaintiff objects to Magistrate Judge Mann's order, arguing that she acted in excess of her authority as conferred by the Court and as set forth in 28 U.S.C. § 636. Defendant has not filed any opposition. After reviewing Magistrate Judge Mann's order *de novo*, see Fed. R. Civ. P. 72(b)(3), the Court adopts it in its entirety.

The Court referred plaintiff's motion to Magistrate Judge Mann for the purpose of resolving the motion, and did not direct her to enter a default judgment. Thus, Magistrate Judge Mann did not act outside the authority conferred upon her by the Court. Moreover, plaintiff has not cited — nor has the Court found — any provision in 28 U.S.C. § 636 that curtails a magistrate judge from giving a defaulting defendant an opportunity to cure his default. Thus, Magistrate Judge Mann did not act outside her statutory authority.

CONCLUSION

Magistrate Judge Mann's order is adopted in its entirety.

SO ORDERED.

s/ Judge Frederic Block

FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 20, 2011